

REMARKS

The Office Action dated March 4, 2009 has been carefully considered by Applicant. Reconsideration is respectfully requested in view of the foregoing claim amendments and the remarks that follow.

Application Title

The application title was amended by Preliminary Amendment submitted September 25, 2006. This amendment has not been entered into the USPTO database. Such action is respectfully requested.

Claim Rejections Under 35 U.S.C. §102

Claims 1, 3-5 and 7-10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kawaguchi Japanese Publication No. 2001-224617.

Claims 1, 3-5 and 7-10 are hereby cancelled, thus rendering the rejections thereof moot. New claims 52-61 are added to particularly point out and distinctly claim the subject matter of the present invention. Claims 52-61 are believed allowable over the prior art, including Kawaguchi.

Claim 52 recites an absorbent pad that is different in both structure and function from that disclosed by Kawaguchi. For example, claim 52 recites an auxiliary sheet disposed above the top sheet and *below both of the first and second gather sheets in the height direction*. This structure is not disclosed by Kawaguchi, which merely teaches second elastic members 10 that extend into an opening defined by first elastic members 4.

In addition, claim 52 recites that the auxiliary sheet has a first end disposed between the top sheet and the first gather sheet in the height direction and a second end disposed *between the top sheet and the second gather sheet in the height direction so as to define a genital holding space surrounded by the top sheet, the second gather sheet and the auxiliary sheet*. This structure is also not disclosed by Kawaguchi, per the comments above.

The differences in the noted structure provide functional advantages of the presently claimed invention over the prior art. In the example described in the application, even if the wearer excretes liquefied excrement while lying on his back and the liquefied excrement is not completely absorbed by the absorbent member, the auxiliary sheet abates the force of the liquefied excrement and diffuses the liquefied excrement. This can prevent the excrement that flows without being absorbed by the absorbent member from reaching the opening through the gather sheet and leaking outside. It is therefore an absorbent pad for men that prevents leakage. In addition, the embodiment shown and claimed provides advantages in comfort and wear.

Claim 52 is therefore believed allowable over the applied reference. Such action is respectfully requested.

Claims 53-61

Claims 53-61 are added and recite further aspects of the structure of the invention, which are also not disclosed by the art.

For example, claim 53 recites that the *top sheet extends between first and second ends in the length direction and the first end of the auxiliary sheet is located between the first end of the top sheet and the first gather sheet in the height direction and the second end of the auxiliary sheet is located on the other side of the opening relative to the first end of the top sheet in the length direction.* This is also not disclosed by the cited reference, per the comments above.

Claim 54 recites that *the second end of the auxiliary sheet is located between the opening and the second end of the top sheet in the length direction.* Claim 55 recites that *the first gather sheet is longer in the length direction than the second gather sheet so that the opening is not centered above the absorbent member in the length direction.* Claim 56 recites that *the auxiliary sheet is separate from the top sheet.*

Claims 53-61 are thus believed allowable and such action is respectfully requested.

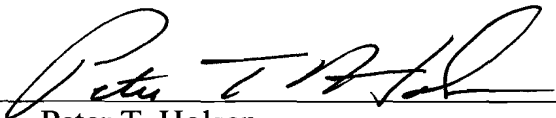
Application No. 10/551,827
Amendment Dated June 1, 2009
Reply to Office Action of March 4, 2009

Conclusion

The present application is thus believed in condition for allowance. Such action is respectfully requested.

Respectfully submitted,

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